

2 February 2016

PRIVATE & CONFIDENTIAL

Research Director
Committee of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Via email: cla@parliament.qld.gov.au

Dear Director

Review of the Parliamentary Committee System

On behalf of Queensland Law Society, I thank you for the opportunity to comment on this important review; the Society appreciates being consulted on these reforms.

At the outset, I note that the Society is wholly supportive of the Parliamentary Committee System, which in the Society's experience contributes greatly to the delivery of just and workable legislation. The system is particularly important in Queensland as in the absence of an upper house, the Parliamentary Committees perform a critical review function.

Given the importance of the Parliamentary Committee System, the Society is of the view that the system must be as robust as is possible. In view of this, the Society agrees with recommendation 9 of the Finance and Administration Committee's report, to the extent that every legislative assembly must establish at least seven portfolio committees whose role will include a review of bills.

The Society also supports minimum stakeholder consultation periods being legislated, to ensure that the committee system operates as effectively as possible. The Society notes that in circumstances where inadequate consultation periods are allowed, stakeholders have difficulty making comprehensive submissions. This increases the chances that that an unworkable provision will survive the review of the legislation, or that unintended and unpalatable consequences of legislation will not be picked up prior to its passage; clearly, it is preferable to ensure a fulsome review process and obviate the need for legislative amendment down the track.

Naturally, the Society accepts that some legislation will require urgent passage, but this of course should be rare and only following the meeting of certain criteria. Whether or not the criteria proposed in recommendation 9 of the report is an appropriate safeguard is not something on which the Society can comment at this point in time.

In order to ensure that the Parliamentary Committee functions as efficiently as possible and creates robust and workable legislation and reports, provision should be made to:-

- Allow Parliamentary Committees to recommend amendments to bills they review; the Society notes that this system has had some success in New Zealand.
- Ensure that Committees are cognisant of, and adhere to, the Fundamental Legislative Principles as established by *Legislative Standards Act 1992*. This could be achieved by creating a separate review body which reviews all Bills for compliance with Fundamental Legislative Principles, but makes no comment on portfolio or other issues relating to a bill. The review body would report separately to Parliament and table its report 7 days prior to debate on the bill.

As noted above, the Society is of the view that the Parliamentary Committee System is functioning well and that wholesale, root-and-branch revision is not justified at this time. Care should be taken that any changes to the system do not inadvertently weaken it.

Again, I thank the opportunity to comment on these important issues. Should you wish to discuss them further, please do not hesitate to contact me, or Shane Budden, the Society's Senior Policy Advisor, on 3842 5889 via email at s.budden@qls.com.au.

Yours faithfully



Bill Potts
President